

1 **PURPOSE:** To review and update Regulation 7A in its entirety; to create a definition of  
2 patron; to instate a limitations period; to revise requirements regarding service and notices; to  
3 modify requirements regarding the initiation of a hearing and notice thereof; to specify the  
4 effect of failure to serve a respondent within a certain time period; to expand the mediums of  
5 communication through which a hearing may be conducted; to modify subpoena requirements  
6 including witness fees and when such fees must be paid; to modify continuance approvals; to  
7 modify the impact of a default or failure to appear by a party; and to take such additional  
8 action as may be necessary and proper to effectuate these stated purposes.

9 **REGULATION 7A**  
10 **PATRON DISPUTES**

11 (Draft Date January 21, 2021)

12 ADOPTED

13 New

14 ~~{Deleted}~~

15 **7A.015 Definitions.** As used in this regulation unless the context requires otherwise ~~is~~

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16 1. "Patron" means a person who has participated in a game, tournament, contest, drawing, promotion, or  
17 similar activity or event conducted by, in conjunction with, or on behalf of a licensee and who claims a dispute  
18 regarding either

19 (a) the person's winnings, losses, or the award or distribution of cash, prizes benefits, tickets or any other  
20 item or items in such game, tournament, contest, drawing, promotion, or similar activity or event or

21 (b) the manner in which a game, tournament, contest, drawing, promotion, or similar activity or event is  
22 conducted.

23 2. "Hearing Officer" means a member of the Nevada Gaming Control Board, designated by the Board Chair,  
24 or a hearing examiner appointed by the Board.

25 **7A.017 Limitations Periods.**

26 1. When a dispute is pursuant to NRS 463.362(2)(b), no action regarding the dispute may be commenced  
27 pursuant to NRS 463.361 to 463.366, inclusive, and 463.780 unless the patron notifies the Board of the dispute  
28 within:

1 (a) 30 days after the event giving rise to the dispute occurs for disputes that do not involve a betting ticket  
2 issued by a sports pool or race book or

3 (b) 1 year after the conclusion of the event wagered upon for disputes that involve a betting ticket issued by a  
4 sports pool or race book.

5 2. When a licensee is required to immediately notify the Board of a dispute pursuant to NRS 463.362(2)(a),  
6 an action regarding the dispute shall commence upon receipt of notice by the Board.

7 **7A.020 Service.** Except as otherwise provided in this regulation:

8 1. Upon notifying the Board of a dispute, a party may provide the Board with an electronic mail address.  
9 Parties appearing subsequently to the initial notice of dispute may provide the Board with an electronic mail  
10 address. The Board shall provide all parties of record to a dispute with the provided electronic mail addresses of  
11 the other parties and the electronic mail address the parties should use for the Board. The Board and all parties  
12 to a dispute may use the provided electronic mail addresses for purposes of service and providing other notices  
13 while the Board has jurisdiction over the dispute. The parties and the Board shall update any provided electronic  
14 mail addresses immediately and as often is as otherwise necessary.

15 2. All pleadings, notices, and other papers required by this regulation to be served may be served by  
16 personal delivery, by ~~or~~ first class mail, or by electronic mail. Service shall be deemed sufficient if it is mailed to  
17 the last known address or electronically mailed to the electronic mail address provided by the Board of the  
18 person to be served. If a pleading, notice, or other paper is sent by the Board or hearing officer by first class mail,  
19 it shall be deemed to have been received by the licensee or the patron 5 days after it is deposited with the United  
20 States Postal Service with the postage thereon prepaid. A pleading, notice, or other paper served by personal  
21 delivery or electronic mail is deemed to have been served on the date it is delivered or sent.

22 ~~2~~3. A party serving a pleading, notice or other paper required by this regulation to be served must file with  
23 the Board a proof of service in the form of a certificate signed by the party or the party's representative which  
24 specifies the date the notice or other paper was mailed, electronically mailed, or when personal service was  
25 effectuated.

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**7A.030 Initiation of hearing procedure; notice of hearing.**

1. Proceedings to review a decision made by an agent of the Board pursuant to NRS 463.362 must be initiated by the filing and service of a petition in accordance with NRS 463.363. The petition shall include a statement specifying how the patron's dispute involves:

- (a) Alleged winnings;
- (b) Alleged losses;
- (c) The award or distribution of cash, prizes, benefits, tickets, or any other item or items in a game, tournament, contest, drawing, promotion, or similar activity or event; or
- (d) The manner in which a game, tournament, contest, drawing, promotion, or similar activity or event is conducted.

2. A copy of the petition must be served on the respondent by the petitioner within 30 days of the filing and service with the Board. Absent a finding of good cause by the Board or hearing officer, in the Board's or hearing officer's sole and absolute discretion, failure of a petitioner to serve a copy of the petition on respondent within 30 days shall be deemed a withdrawal of the petition by petitioner.

- 3. No Change.
- 4. No Change.
- 5. No Change.

**7A.050 Nature of hearing.**

- 1. No Change.
- 2. No Change.
- 3. All or part of the hearing may be conducted by telephone or other electronic medium of communication, including, without limitation, video conference.
- 4. No Change.
- 5. No Change.

**7A.080 Subpoenas.** At the request of a party, subpoenas must be issued by the Board or hearing officer as provided in subsection ~~(1)~~<sup>5</sup> of NRS 463.~~(3125)~~<sup>140</sup>. All witnesses appearing pursuant to subpoena, other than parties, officers or employees of the State of Nevada or any political subdivision thereof, are entitled to receive

1 fees and mileage in the same amounts and under the same circumstances as provided by law for witnesses in  
2 civil actions in the district courts. Witnesses entitled to fees or mileage who attend hearings at points so far  
3 removed from their residences as to prohibit return thereto from day to day are entitled, in addition to witness  
4 fees and in lieu of mileage, to the per diem compensation for subsistence and transportation authorized for state  
5 officers and employees for each day of actual attendance and for each day necessarily occupied in traveling to  
6 and from the hearings. Fees, subsistence and transportation expenses must be paid by the party at whose  
7 request the witness is subpoenaed. A reasonable estimate of fees, subsistence, and transportation must be paid  
8 in advance of the hearing for which the witness is subject to subpoena or the witness is not required to attend the  
9 hearing.

10 **7A.120 Continuances.** Continuances of the hearing date may only be granted by the Board or hearing  
11 officer at the Board's or hearing officer's sole and absolute discretion upon a showing of good cause by the party  
12 requesting the continuance.

13 **7A.140 [Default] Failure to appear.**

14 1. The unexcused failure of a party to appear at the hearing may constitute a default and an admission of  
15 any facts that may have been alleged by the opposing party. The Board or hearing officer may take action based  
16 on such default or admission or on any other evidence without further notice to the defaulting party. If the Board  
17 or hearing officer takes action based on an admission, the record must include the evidence upon which the  
18 action is based.

19 2. In the alternative and absent a finding of good cause by the Board hearing officer, in the Board's or  
20 hearing officer's sole and absolute discretion, the unexcused failure of a petitioner to appear at the hearing may  
21 be deemed a withdrawal of the petition by petitioner.

22  
23 **Effective upon adoption by the Nevada Gaming Commission.**

24 **ADOPTED by the Nevada Gaming Commission on January 21, 2021.**